

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PETER GINIERES and DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATIONS, Washington, DC

*Docket No. 99-2515; Submitted on the Record;
Issued September 27, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained a loss of hearing entitling him to a schedule award.

The Board has duly reviewed the case on appeal and finds that appellant did not sustain a loss of hearing entitling him to a schedule award.

Appellant, a special agent, filed a claim on January 15, 1999 alleging that he developed a loss of hearing due to noise exposure in the performance of his federal duties. The Office of Workers' Compensation Programs accepted that appellant sustained an employment-related hearing loss on May 25, 1999. Appellant requested a schedule award and by decision dated June 4, 1999, the Office found that appellant's loss of hearing was not severe enough to warrant a schedule award.

The Office properly considered the medical evidence submitted in support of appellant's claim and applied the American Medical Association, *Guides to the Evaluation of Permanent Impairment*. A medical report was submitted from Dr. Marjorie Stock, a Board-certified otolaryngologist, which conforms to applicable criteria. The losses at the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second were added and averaged and the "fence" of 25 decibels was deducted.¹ The remaining amount was multiplied by 1.5 to arrive at the percentage of monaural hearing loss. For a binaural hearing loss, the loss in each ear is calculated using the above formula. The lesser loss is then multiplied by five and added to the greater loss. This amount is then divided by six to arrive at the total binaural hearing loss. For levels recorded in the left ear of 5, 10, 10 and 30 decibels, the above formula derives 0 percent monaural loss and for levels recorded in the right ear of 20, 5, 0 and 10 decibels, the above formula derives 0

¹ The A.M.A., *Guides* points out that the loss below an average of 25 decibels is deducted as it does not result in impairment in the ability to hear everyday sounds under everyday listening conditions.

percent monaural loss. According to the accepted formula these combine to reach a 0 percent binaural loss of hearing.

As appellant does not have a hearing loss great enough to establish a ratable impairment in accordance with the accepted formula, the Office properly denied his claim for a schedule award.

The June 4, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
September 27, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member